

Application No. 09/729,888  
Amendment Dated October 27, 2003  
Reply to Office Action of May 7, 2003

### AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

#### Listing of Claims:

1. - 8. Previously cancelled.

9. (Currently amended) A pre-surgical alerting device for use on a body having an involved body segment to be involved in a surgical procedure and a plurality of uninvolved body segments which are not to be involved in said surgical procedure, comprising:

a. a body segment selected from said plurality of uninvolved body segments to provide a selected uninvolved body segment,

[a.] b. a strip suitable for placing on said selected uninvolved body segment to provide a labeled selected uninvolved body segment, ~~a body segment which is not to be affected by a surgical procedure~~ said strip having a superior side and an inferior side,

[b.] c. a visually perceivable indicator on said superior side to warn against surgery on said labeled selected uninvolved body segment ~~the body segment on said superior side~~, and

[c.] d. temporary attachment means for temporarily attaching said inferior side to the said labeled selected uninvolved body segment in a manner which permits said strip to be removed after the surgical procedure.

10. (Previously amended) A pre-surgical altering device according to Claim 9, wherein said attachment means comprises an adhesive.

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11. (Previously amended) A pre-surgical alerting device according to Claim 9, where said strip is perforated to allow oxygen to diffuse to skin which the strip is attached.

12. (Currently amended) A pre-surgical alerting device according to Claim 9, wherein said visually perceivable indicator comprises the words "No Cut[']" ."

13. (Previously amended) A pre-surgical alerting device according to Claim 10, further comprising peelable backing affixed to said inferior side to cover said adhesive when said device is not in use.

14. (Previously amended) A pre-surgical alerting device according to Claim 9, further comprising a companion label suitable for detaching from said strip and for attaching to a patient's medical chart to indicate use of the alerting device.

15. - 18. Cancelled.